PERMANENT INJUNCTION

- 1. **PERMANENT INJUNCTION.** Defendant and any person or entity acting in concert with, or at the direction of her, including any and all agents, servants, employees, partners, and any others over which she may exercise control, are hereby restrained and enjoined, pursuant to 15 *U.S.C.* § 1116, from engaging in, directly or indirectly, or authorizing or assisting any third party to engage in, any of the following activities in the United States and throughout the world:
- a. copying, manufacturing, importing, exporting, marketing, selling, offering for sale, distributing or dealing in any counterfeit or otherwise unauthorized product or service that uses, or otherwise makes any use of, any of Plaintiff's SPECK® and CANDYSHELL® trademarks and copyrights, and/or any intellectual property that is confusingly or substantially similar to, or that constitutes a colorable imitation of, any of Plaintiff's SPECK® and CANDYSHELL® trademarks and copyrights, whether such use is as, on, in or in connection with any trademark, service mark, trade name, logo, design, Internet use, website, domain name, metatags, advertising, promotions, solicitations, commercial exploitation, television, web-based or any other program, or any product or service, or otherwise;
- b. performing or allowing others employed by or representing her, or under her control, to perform any act or thing which is likely to injure Plaintiff, any of Plaintiff's SPECK® and CANDYSHELL® trademarks and copyrights, and/or Plaintiff's business reputation or goodwill;
- c. engaging in any acts of federal and/or state trademark infringement, false designation of origin, unfair competition, dilution, federal copyright infringement, or other act which would tend damage or injure Plaintiff; and/or
- d. using any Internet domain name or website that includes any of Plaintiff's trademarks or copyrights, including the SPECK® and CANDYSHELL® marks or works.

- 2. Defendant is ordered to deliver immediately for destruction all counterfeit or unauthorized products, including counterfeit SPECK® and CANDYSHELL® products and related products, labels, signs, prints, packages, wrappers, receptacles and advertisements relating thereto in her possession or under her control bearing any of Plaintiff's intellectual property or any simulation, reproduction, counterfeit, copy or colorable imitations thereof, to the extent that any of these items are in Defendant's possession.
- 3. This Permanent Injunction shall be deemed to have been served upon Defendant at the time of its execution by the Court and shall terminate this action.
- 4. The Court finds there is no just reason for delay in entering this Permanent Injunction, and, pursuant to Rule 54(a) of the *Federal Rules of Civil Procedure*, the Court directs immediate entry of this Permanent Injunction against Defendant.
- 5. <u>NO APPEALS AND CONTINUING JURISDICTION.</u> No appeals shall be taken from this Permanent Injunction, and the parties waive all rights to appeal. This Court expressly retains jurisdiction over this matter to enforce any violation of the terms of this Permanent Injunction.
- 6. **NO FEES AND COSTS.** Each party shall bear her/its own attorneys' fees and costs incurred in this matter.

IT IS SO ORDERED, ADJUDICATED and DECREED this 9th day of December, 2011.

HON. CHRISTINA A. SNYDER United States District Judge for the Central District of California

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